IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.81 OF 2004
IN
NOTICE OF MOTION NO.3916 OF 1999
IN
SUIT NO.6951 OF 1999

Nitin Shirwadkar ...Petitioner
(Org.Plaintiff)

Vs.

Mrs.Shuila S. Shirwadkar & Anr. ...Respondents
(Org.Defendant)

Mrs.Mrsd.A.R.Lambey, Adv. for Petitioner

Mr.Vishal Phal, adv. i/b. M/s.Shantilal & Co. for Respondents

CORAM: A.S. AGUIAR,J.
DATED: 1ST OCTOBER, 2004

P.C.

1. The Petitioner alleges contempt committed by Respondents in respect of the order dated 21st September, 2001 in Notice of Motion No.3916 of 1999 in Suit No.6951 of 1999. By the said order which was by consent the Defendant No.1 i.e. the Respondent herein was directed to maintain accounts in respect of properties, item Nos.1 to 4 in second list and 1 to 11 at Schedule B (exhibit-B) annexed to the Plaint, and to furnish accounts to the Plaintiff annually, described as properties of deceased standing in the name of Defendant no.1.

2. It is the grievance of the Petitioner that the Respondent has not submitted any accounts. The Respondent has filed her affidavit dated 15th September, 2004. Paragraph no.5 of the said Affidavit discloses that the Respondent was in personal difficulties due to illness of her step daughter i.e. Petitioner's sister, right upto her death on 26th October, 2001. The Respondent further alleges that the accounts in respect of the bills and receipts have been shown to Plaintiff's Advocate during the inspection at the time of hearing of Notice of Motion No.284 of 2003 taken out by the Plaintiff. Further it is submitted by the respondent that the Respondent has been making best efforts in paying the arrears. Ultimately the Respondent prays that she be given six weeks time to furnish the accounts as she would require the help of the C.A. The prayer seems to be reasonable. The Respondent undertakes to this Court to submit the detailed accounts for the last three years to the petitioner within the period of eight weeks. In view thereof learned Advocate for the Petitioner does not press the petition. The Petition is allowed to be withdrawn.

*****